



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

6-1994

Hon. Thos. B. Broad,  
Secretary-Treasurer,  
State Board of Architectural Examiners  
Austin, Texas

Dear Sir:

Opinion No. 0-1999  
Re: Does Opinion No. 0-1101 ap-  
ply to the Architectural  
Board?

Your request for an opinion on the above stated question has been received by this department.

Opinion No. 0-1101 holds that the State Board of Dental Examiners cannot legally employ one of its members as secretary to aid the Board in performing the duties prescribed by law, as provided by Article 4850a, and pay him a salary out of the general registration fund, and that a member of the State Board of Dental Examiners, who, at the same time, holds and exercises the duties of Secretary to the Board, as provided by Article 4850a, cannot draw pay for either such office or such position so long as he continues to hold the position of Secretary to the State Board of Dental Examiners, as provided by Article 4850a, and remains a member of the State Board of Dental Examiners.

For your convenience we enclose herewith a copy of opinion No. 0-1101.

Section 3 of Article 240a, Revised Civil Statutes, reads in part as follows:

\*Sec. 3. The members of the Board of Architectural Examiners shall, before entering upon the discharge of their duties, qualify, by subscribing to, before a notary public or other officer authorized by law to administer oaths, and filing with the Secretary of State, the Constitu-

tional oath of office. They shall, as soon as organized, and biennially thereafter in the month of January, elect from their number, a chairman, vice-chairman, and secretary-treasurer. The Secretary-treasurer, before entering upon his duties, shall file a bond with the Secretary of State for such sum as will be twice the amount of cash on hand at the time the bond is filed; provided, however, that the amount of said bond shall, in no case, be less than Five Thousand Dollars (\$5,000). Said bond shall be payable to the Governor of this State, for the benefit of said Board; shall be conditioned upon the faithful performance of the duties of such officer, and shall be in such form as may be approved by the Attorney General of this State; and shall be executed by a surety company, as surety, and be approved by the Board of Architectural Examiners.

" . . . "

The last paragraph of Section 4 of Article 240a, Revised Civil Statutes, reads as follows:

"The Secretary-treasurer of the Board shall receive such monthly compensation for his or her services as shall be determined by the Board, by resolution adopted at a regular meeting of said Board, but in no case shall such compensation exceed One Thousand, Eight Hundred Dollars (\$1,800) per year, exclusive of allowable expenses of office. The other members of the Board shall each receive as compensation for their services, in addition to their necessary expenses, the sum of Ten Dollars (\$10) for each and every day actually spent by them in going to, attending, and returning from regular and special meetings of said Board, and in conducting examinations of applicants for registration certificates as provided for by this Act, and in prosecuting violations of this Act, but in no case shall the compensation to any one member of the Board, other than the Secretary-treasurer of the Board, exceed Three Hundred Dollars (\$300) per year, exclusive of allowable expenses. "

The above mentioned statutes make special provision for the Secretary-Treasurer of the Board to be reimbursed by a salary, and the other members of the Board to be reimbursed

on a per diem basis.

Under the above mentioned statutes the Legislature has merely imposed additional duties upon a member of the Board and has not created a separate and distinct office or employment.

Therefore, you are respectfully advised that it is the opinion of this department that opinion No. O-1101 does not apply to the Architectural Board.

Trusting that the foregoing fully answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

AV-MR

APPROVED SEP 8, 1939

*Gerard B. Mann*  
ATTORNEY GENERAL OF TEXAS

